

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION**

<b>In re:</b>	)	
	)	<b>Chapter 11</b>
<b>EDWARD BYRON</b>	)	
<b>SLAUGHTER</b>	)	<b>Case No. 13-42906-mgd</b>
	)	
	)	
<b>Debtors.</b>	)	<b>Judge Diehl</b>
	)	

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<b>KEVIN GREEN</b>	)	
	)	
	)	
	)	
<b>Movant</b>	)	<b>CONTESTED MATTER</b>

---

<b>v.</b>	)	
	)	
<b>EDWARD BYRON</b>	)	
<b>SLAUGHTER</b>	)	
	)	
<b>Respondent,</b>	)	
	)	

**EMERGENCY MOTION FOR RELIEF FROM STAY**

COMES NOW, KEVIN GREEN (hereinafter "Movant"), a creditor in the above-referenced case, and pursuant to 11 U.S.C. § 362(d), respectfully shows this Court the following:

1.

Debtor filed a Petition under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Georgia, Rome Division, on October 5, 2013.

2.

This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1334. This proceeding is a core proceeding under 28 U.S.C. § 157(b)(2).

3.

Debtor is operating as a Debtor in Possession.

4.

At this time, no Plan has been confirmed and no Trustee has been appointed.

5.

Debtor and Movant are business partners in Stonegate Home Builders, LLC, a Georgia limited liability company.

6.

Stonegate Home Builders, LLC, owns certain real property located at 581 West Main Street, Cherokee County, Centre, Alabama (hereinafter the "Property"). The structure on the Property, which was a rental unit, burned and has been deemed by Auto-Owners Insurance Company (hereinafter "Auto-Owners") as a complete

loss and a health and safety hazard. Auto-Owners is the insurance company providing coverage for the structure.

7.

The policy issued by Auto-Owners with respect to the Property provides for proceeds payable for the loss of the structure on the Property of \$71,500.00. First Southern State Bank holds a mortgage on the Property with a current balance of approximately \$84,115.69.

8.

Auto-Owners has refused to remit policy proceeds to Stonegate Home Builders, LLC, until such time as it receives either agreement from the Debtor in Possession or an Order from this Court that said payment is permissible.

9.

Movant, by and through his undersigned counsel, has attempted to obtain approval directly from Debtor in Possession, by and through counsel for Debtor in Possession, by contacting counsel for the Debtor in Possession on numerous occasions. These calls and contacts have not been returned.

10.

Due to the fact that Auto-Owners has refused to remit policy proceeds without consent of the Debtor in Possession or Order of this Court, cause exists for

modification of the automatic stay so as to permit Movant to receive these policy proceeds and complete the demolition of the structure found on the Property.

11.

Due to the danger to health and safety associated with the partially collapsed structure found on the Property, as well as the potential liability for damages that may arise from any injury that may take place on the Property, Movant's files this Motion on an emergency and expedited bases.

WHEREFORE, Movant prays:

- (a) That an expedited hearing be scheduled in this matter;
- (b) That this Court issue an Order modifying the automatic stay to permit Green to obtain policy proceeds from Auto-Owners so that the partially collapsed structure may be razed;
- (c) That the provisions of Fed. R. Bankr. P. § 4001(a)(3) be waived;
- (d) That the Court order any further relief that may be necessary and appropriate under the circumstances.

RESPECTFULLY SUBMITTED, this 17<sup>th</sup> day of April, 2015.

McRAE, STEGALL, PEEK, HARMAN,  
SMITH & MANNING, LLP

BY: /S/ 

BRIAN R. BOJO

Georgia Bar No. 141482

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<b>Respondent,</b>	)	
	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on this 17<sup>th</sup> day of April, 2015, a true and correct copy of the attached Emergency Motion for Relief from Stay was filed electronically. Notice of this filing was sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system. Said document was also deposited in the United States Mail, and delivered to the attorney for the Debtor at the following address:

Mr. Paul Reece Marr  
300 Galleria Parkway, N.W.  
Suite 960  
Atlanta, GA 30339

Office of the United States Trustee  
Suite 2200  
191 Peachtree Street, NE  
Atlanta, GA 30303-1740

Respectfully submitted, this the 17<sup>th</sup> day of April, 2015.

MCRAE, STEGALL, PEEK, HARMAN,  
SMITH & MANNING, LLP

BY: /S/



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